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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/677,535

10/02/2000

Bruce Bent

049212-0103

4334

22428 7590 06/24/2009  
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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

06/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/677,535	<b>Applicant(s)</b> BENT ET AL.	
	<b>Examiner</b> DANIEL S. FELTEN	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/02/09; 05/14/09; 09/03/08</u> .                             | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Disposition of Claims: Claims pending in the application are 51-66,83-92,143-150,190-192,266-278,321,322,345-350,357-362,365,368,370,373,376 and 378.

Continuation of Disposition of Claims: Claims rejected are 51-66,83-92,143-150,190-192,266-278,321,322,345-350,357-362,365,368,370,373,376 and 378.

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 6/02/2009, 05/14/2009 and 09/03/2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51-66, 83-92, 143-150, 190-192, 266-278, 321-322, 345-350, 357-362, 365, 368, 370, 373, 376 and 378 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill Lynch, CMA Insured Savings Account Fact Sheet in view of Zaitzeff letter dated June 22, 1983 and Schwartz letter dated June 22, 1988

Merrill Lynch discloses a Cash Management Account (CMA) which uses a computer acomputer program product for managing a plurality of client transaction accounts for a plurality of clients at a banking institution, comprising:

at least one computer usable media having computer readable program code embodied therein or among them if there is more than one computer usable medium, to be executed by a computer, the computer readable program code comprising computer code for accessing a database maintained on one or more computer readable media and accessible by one or more

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*computers for carrying out one or more of the following operations, wherein the database comprises information for each client transaction account, wherein client transaction account funds for the client transaction accounts are aggregated in an FDIC-insured and interest-bearing*

*aggregated deposit account held at the banking institution, and wherein the information for each of the client transaction accounts includes information on each client's funds held in said insured and interest-bearing aggregated deposit account (see Merrill Lynch, CMA "How the ISA Works;" page 50 and "The ISA account as the Primary Money Account" discloses automatically depositing funds, page 51)*

computer code for determining by the one or more computers on a regular basis at least one aggregated net transaction for a plurality of said clients comprising a sum of said client deposits/transfers to and withdrawals/transfers from said respective client transaction accounts at the banking institution (see Merrill Lynch, CMA Aggregation of Retirement PlanInterests and Account deposits, page 49);

computer code for determining by the one or more computers from said at least one aggregated net transaction whether to deposit/transfer funds to or withdraw/transfer funds from said one FDIC-insured and interest-bearing aggregated deposit account (see Merrill Lynch, CMA Aggregation of Retirement PlanInterests and Account deposits, page 49);

computer code for updating by the one or more computers the database with each client's deposits/transfers to and withdrawals/transfers from said each client's respective transaction account (see Transfers and Withdrawals, page 52).

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Merrill Lynch CMA Fact sheet is silent as to disclosing a computer code for processing needed deposits/transfers to, or needed withdrawals/transfers from said FDIC-insured and interest-bearing aggregated deposit account based on said determining from said at least one aggregated net transaction step, *so that more than six (6) withdrawals/transfers are made* during a month from a plurality of said FDIC-insured and interest-bearing aggregated deposit accounts; and processing more than six (6) withdrawals/transfers by check, debit card, and/or credit card within a month from each of a plurality of said client transaction accounts.

The Zaitzeff letter discloses the fact that the CMA account customer will be permitted to make an unlimited number of withdrawals from the MMDA by a set of instances enumerated in the first sentence of paragraph 5, but will be considered part of six pre authorized transfers to third parties permitted per month by § 1204.122 otherwise.

In the Schwartz letter, Merrill Lynch proposes (or contemplates) to operate the CMA Program generally without transfer and withdrawal restrictions under 12 CFR 204.2(d)2(ii). (see Schwartz letter first paragraph)

Thus it would have been obvious for one of ordinary skill in the art to modify and automate Merrill Lynch's CMA as contemplated by Schwartz to provide the expected result of unlimited withdrawals and/or transfers, being an obvious expedient to one of ordinary skill in the art.

***Conclusion***

4. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 5/14/2009 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten  
Primary Examiner  
Art Unit 3696

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Primary Examiner, Art Unit 3696